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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,600	09/18/2003	Robert J. Nealon	LUC-421/Nealon 2	8545
32205 7590 09/14/2010 Carmen Patti Law Group, LLC One N. LaSalle Street 44th Floor Chicago, IL 60602				
EXAMINER				
ROBERTS, BRIAN S				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/666,600

Applicant(s)

NEALON, ROBERT J.

Examiner

BRIAN ROBERTS

Art Unit

2466

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2010.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-14 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 18 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

- Claims 1-14 remain pending.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/20/2010 has been entered.

Claim Objections

Claims 1, 4-5, and 12 are objected to because of the following informalities:

- Claim 1 line 7 "circuit (PVCs)" should read --circuits (PVCs)--
- Claim 4 line 3 "circuit (PVCs)" should read --circuits (PVCs)--
- Claim 4 line 12, 15, 19 "the transcoders" should read --the set of transcoders--
- Claim 4 line 13, 15, 17-18, 19 "the external AAL2 PVCs" should read --the plurality of external AAL2 PVCs"
- Claim 4 line 18 "to internal" should read --to the set of internal--
- Claim 5 line 2 "the transcoders" should read --the set of transcoders--
- Claim 5 line 3 "the internal" should read --the set of internal--
- Claim 12 line 3 "circuit (PVCs)" should read --circuits (PVCs)--

- Claim 12 line 8, 9, 11 "the transcoders" should read --the plurality of transcoders--

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- In reference to claim 1

Claim 1 is indefinite because it is directed to both an apparatus (i.e. wireless gateway comprising a plurality of transcoders, single packet switch control operatively connected to external PVCs and the transcoders) and method (e.g. method comprising the steps of providing AAL2 channel identifier switching, allocating individual CIDs, switching a call to any one respective transcoder, transcoding the call, establishing an even distribution of calls). The claim must be directed to only one of an apparatus or a method.

Claim 1 recites the limitation "the transcoders" in lines 11, 14, and 16-17. It is unclear whether the antecedent basis for these limitations in the claim is "a plurality of transcoders" of line 4 or "available transcoders" of line 5.

- In reference to claim 4

Claim 4 is indefinite because it is directed to both an apparatus (i.e. wireless gateway comprising a single packet switch control operatively connected to a intermediate node, external PVCs and transcoders) and method (i.e. method comprising the steps of terminating a plurality of external AAL2 PVCs, setting up a set of internal AAL2 PVCs, allocating a respective DSP channel, instructing the intermediate to switch). The claim must be directed to only one of an apparatus or a method.

- In reference to claim 7

Claim 7 is indefinite because it is directed to both an apparatus (i.e. wireless gateway comprising a plurality of DSPs, a single packet switch control operatively connected to external PVCs and the DSPs) and method (i.e. method comprising the steps of providing AAL2 channel identifier switching, allocating individual CIDs, switching individual packets of a call, transcoding the packets of the call, establishing an even distribution of calls). The claim must be directed to only one of an apparatus or a method.

Claim 7 recites the limitation "the DSPs" in lines 12, 15 and 17. It is unclear whether the antecedent basis for these limitations in the claim is "a plurality of DSPs" of line 4 or "available DSPs" of line 8.

- In reference to claim 8

Claim 8 recites the limitation "the DSPs" in line 4. It is unclear whether the antecedent basis for this limitations in the claim are "a plurality of DSPs" of claim 7 line 4 or "available DSPs" of claim 7 line 8.

- In reference to claim 10

Claim 10 is indefinite because the relationship between each of the respective steps is unclear, thus the claims fail to particularly point and distinctly claim the subject matter which applicant regards as the invention. Claim 10 recites the step of allocating individual CIDs to transcoders channels on an as needed basis in both the first step of lines 3-5, and the fourth step lines 11-12. Either the fourth step should be directed to a step of reallocating the CIDs or the step should be deleted since the CIDs have already been allocated to the transcoder channels. Furthermore, the fifth step of the method in lines 12-14 recites "switching individual packets from the external PVCs and to interval PVCs that allows for an even distribution load among the transcoders even if a load on the external PVCs is uneven". This step makes no sense within the context of the previous steps. The examiner assumes the step should be recited between the "allocating" step of line 3 and the "transcoding" step of line 6 because packets of a call must be switched to a transcoder before the call maybe transcoded. Furthermore, it is unclear how the steps of "switching packets on a per call basis at a AAL2 CPS layer" and "terminating a ALL2 SCS layer on a per call basis at a respective transcoder" relate to the previous steps because it appears the steps should occur before the "transcoding" step of line 6.

- In reference to claim 12

Claim 12 is indefinite because it is directed to both an apparatus (i.e. wireless gateway comprising a plurality of external AAL2 PVCs, internal AAL2 PVCs, transcoders, at least one intermediate node, a single packet switch control) and method (e.g. method comprising the steps of utilizing the algorithm, switching packets on a per call basis at a AAL2 CPS layer, terminating a AAL2 SCS layer on a per call basis at a respective transcoder). The claim must be directed to only one of an apparatus or a method.

- In reference to claim 13

Claim 13 recites the step of "using single packet switching to effect switching of individual packets from the external PVCs and to internal PVCs that allows for an even distribution of load among the DSPs even if load on the external PVCs is uneven such that packets are switched on a per call basis at a AAL2 common part sublayer (CPS) layer and a AAL2 Service Specific convergence Sublayer (SSCS) layer is terminated on a per call basis at a respective DSP" in lines 14-18. The step renders the claim indefinite because the relationship between the step and the previous steps is unclear, thus the claims fail to particularly point and distinctly claim the subject matter which applicant regards as the invention. The examiner assumes the step should be recited before the "transcoding" step of line 10 because packets of a call must be switched to a transcoder before the call maybe transcoded.

Claim 13 recites the limitation "the DSPs" in line 15. It is unclear whether the antecedent basis for this limitation in the claim is "a plurality of DSPs" of line 4 or "available DSPs" of line 9.

- In reference to claim 14

Claim 14 recites the limitation "the DSPs" in line 4. It is unclear whether the antecedent basis for this limitation in the claim is "a plurality of DSPs" of claim 13 line 4 or "available DSPs" of claim 13 line 9.

- In reference to claims 2-3, 5-6, 9, 11

Claims 2-3, 5-6, 9, and 11 are rejected because they depend on a rejected base claim.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN ROBERTS whose telephone number is (571)272-3095. The examiner can normally be reached on M-F 10:00-7:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DANIEL RYMAN can be reached on (571) 272-3152. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brian Roberts/
Examiner, Art Unit 2466
09/13/2010